



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE .	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,525	12/06/2001	Robert S. Chau	042390.P4222D3	1842
75	90 07/17/2002			
Michael A. Bernadicou BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1030			EXAMINER	
			TRAN, THIEN F	
			ART UNIT	PAPER NUMBER
			2811	
			DATE MAILED: 07/17/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Tran		Application No.	Applicant(s)				
This MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Later size, 900MTHS from the parallable useds the provisions of 37 CFR 1.18(p), in no avea, however, may a reply be limitly filled at the XIX (s) MONTHS from the replication of the Cover sheet at the XIX (s) MONTHS from the replication of the Cover sheet at the XIX (s) MONTHS from the replication of the Cover sheet at the XIX (s) MONTHS from the replication of the Cover sheet at the XIX (s) MONTHS from the replication of the Cover sheet at the XIX (s) MONTHS from the replication of the Cover sheet at the XIX (s) MONTHS from the replication of the Cover sheet at the XIX (s) MONTHS from the replication of the Cover sheet at the XIX (s) MONTHS from the replication of the Cover sheet at the XIX (s) MONTHS from the replication of the Cover sheet at the XIX (s) MONTHS from the replication of the Cover sheet at the XIX (s) MONTHS from the replication of the Cover sheet at the XIX (s) MONTHS from the replication of the Cover sheet at the XIX (s) MONTHS from the replication of the Cover sheet at the XIX (s) MONTHS from the replication of the Cover sheet at the XIX (s) MONTHS from the replication of the Cover sheet at the XIX (s) MONTHS from the XIX (s) MONT	•	10/010,525	CHAU ET AL.				
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## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-6, drawn to a semiconductor device, classified in class 257, subclass 412.
- Claims 7-35, drawn to process for making semiconductor devices,
   classified in class 438, subclass 22+.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, unpatentability of the group I invention would not necessarily imply unpatentability of the method of the group II invention, since the device of the group I invention could be made by processes different from those of the group II invention. For example, forming a sidewall spacer before forming an electrode by first forming a sacrificial layer, forming a sidewall spacer adjacent the sacrificial layer, and replacing the sacrificial layer with an electrode.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien F Tran whose telephone number is (703) 308-4108. The examiner can normally be reached on 8:00AM - 4:30PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on (703) 308-2772. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

tt June 26, 2002

Thien Tran
Patent Examiner
Technology Center 2800